

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**CRIMINAL MINUTES - INITIAL APPEARANCE - RULE 5  
(Complaint/Indictment/Other District)**

Case No.: 7:23MJ8

Date: 1/18/2023

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Defendant(s): Brian Tierney, custody

Counsel: Randy Cargill, FPD

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PRESENT:	Presiding Judge:	Robert S. Ballou	TIME IN COURT:	7 min
	Deputy Clerk:	K. Brown		
	Court Reporter:	K. Brown/FTR		
	AUSA:	Krisin Johnson		
	USPO:	Bryan Murphy/Alison Spence		

Defendant arrested on warrant from Northern District of New York.

**RIGHTS:**

- Defendant advised of charges and nature of proceedings and provision of Rule 20.
- Defendant advised of right to retain counsel or to request that counsel be appointed.
- Defendant advised of right to preliminary exam.
- Defendant advised of right to identity hearing.
- Defendant advised of right to a bond/detention hearing.

**COUNSEL:**

- Defendant present with counsel. FPD appointed.

**IDENTITY:**

- Identity hearing waived.\*

**PRELIMINARY HEARING:**

- Defendant requests preliminary hearing in prosecuting district.\*

**RELEASE/DETENTION:**

- Defendant does not contest detention.
- Order of Commitment to Another District (AO 94).

**Additional Information:**

3:50

Parties present and represented by counsel.

Deft to complete financial affidavit. Court appoints FPD.

Gov moves for detention.

Deft waives all hearings here and requests that they all be held in New York.

Court enters oral and written orders regarding the Due Process Protection Act.

Deft remanded.

Adjourned.

3:57

**\*REMINDER:** FORM AO466A - WAIVER OF RULE 5 & 5.1 HEARING MUST BE COMPLETED AND SIGNED BY DEFENDANT.